

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ALICE KRAMER, as Personal Representative of the  
Estate of Arthur Kramer,

Plaintiff,

– against –

LOCKWOOD PENSION SERVICES, INC., TALL  
TREE ADVISORS, INC., LIFE PRODUCTS  
CLEARING, LLC, TRANSAMERICA  
OCCIDENTAL LIFE INSURANCE CO., PHOENIX  
LIFE INSURANCE CO., LINCOLN LIFE &  
ANNUITY CO. OF NEW YORK AND  
JONATHAN S. BERCK,

Defendants.

Various Third-Party Actions

Civil Action No.  
08 CV 2429 (DAB)(MHD)

ECF Case

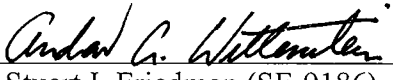
**NOTICE OF MOTION  
BY PLAINTIFF**

PLEASE TAKE NOTICE that upon the accompanying (i) Plaintiff's and Third-Party Defendants Liza Kramer and Andrew B. Kramer's Memorandum of Law in Support of Their Motion to Dismiss the Tortious Interference Claims Asserted by Defendant Jonathan S. Berck in his Counterclaims and Third-Party Complaint, and (ii) Affidavit of Andrew A. Wittenstein in Support of Plaintiff's and Third-Party Defendants Liza Kramer and Andrew B. Kramer's Motion to Dismiss the Tortious Interference Claims Asserted by Defendant Jonathan S. Berck in his Counterclaims and Third-Party Complaint, sworn to on August 22, 2008, with exhibits attached thereto, Plaintiff Alice Kramer, as Personal Representative of the Estate of Arthur Kramer, will move this Court, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, for an Order dismissing Defendant Jonathan S. Berck's Counterclaim for Tortious Interference with

Contractual Relations, asserted in the Answer to Amended Complaint with Counterclaims and Cross-Claims, with prejudice.

Dated: New York, New York  
August 25, 2008

FRIEDMAN & WITTENSTEIN  
A Professional Corporation

By:   
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Andrew B. Kramer*